

Wagner, Carmen (DNR)

From: Olson, Jim
Sent: Tuesday, December 30, 2003 9:35 PM
To: Herkert, Toni
Subject: NR 115 Draft comments

To: Toni Herkert, Shoreline Management Team Leader, WDNR
From: Chippewa Valley Group Sierra Club
Re: Response to NR 115 Draft Proposal Listening Session

The Chippewa Valley Group of the Sierra Club represents those club members living in the lower Chippewa River basin and has responsibility for monitoring areas along the Mississippi River and areas of the north up to The Chequonagon Bay that are not served by formal Sierra Club groups. Within that area lie some of the most pristine water resources in the state as well as some of the most abused and threatened.

We have very basic concerns that NR 115 as presented does not serve this area well, being weak in a number of important areas, making concessions to new development and expansion of existing non-conforming development where such concessions should not be made, and offering as mitigation practices such as stormwater and conservation best management practices that should be mandated and not offered as mitigation options.

To explain our perceptions of the failure of the draft version of NR 115 to protect the water resources of the state we feel some background of our more general concerns about issues of riparian land use in the area can serve as a background to our more specific objections to the rule in its current form.

We have seen continued up scale development on those lakes already developed creating what the state Audubon Society has labeled as the "mansionization" of Wisconsin Lakes shores. Through both new development and rampant expansion of both conforming and non-conforming structures simple lake cottages posing minimal environmental effects are being transformed into all season mansions along the lake and combined with new up scale structures pose considerable environmental problems not only to the lake shore but to the adjoining littoral areas.

Shorelines of smaller previously undeveloped lakes often in very sensitive areas are now being developed, the development exacerbated by COM 83 which has not only allowed this expansion into sensitive areas but poses new threats to water quality in the lakes that extends inland as well.

All of this development has increased property values, fueling the demand for expansion of some formerly non-conforming structures. The increased tax potential has been very tempting to county regulatory entities particularly now that revenue shortfalls have become a factor.

We have seen the disappearance and/or modification of traditional mom and pop lake and river resorts and their replacement by more intensive development of various kinds posing many new lake use threats to the lakes and shorelines. The inflation of riparian land values has also made public land acquisition difficult or prohibitive. Some of the timber lands in choice riparian land owned by Plum Creek timber, one of the largest landowners in the state have been released to development at the wood products industry faces new challenges and can no longer afford to hold land that is more profitable to develop than to manage for long term sustainable timber production.

Relaxation of mitigation land uses once imposed on riparian waters in hyroelectric project areas by FERC have resulted in increased residential and up scale resort development.

To make the newly developing mansions and upscale resorts more attractive we have witnessed a growing disregard of natural values in near shore areas in favor of destruction of aquatic vegetation, beach enhancement, and dredging.

In many camp areas RV Camp sites have displaced the traditional tent sites and have become closer and closer together along lake shores.

We see increased in water and near shore destruction of stream bed and shore areas by ATVs, and off road vehicles.

Obviously not all or even most of these problems can be addressed by NR 115, but against this backdrop of threats to the state's water resource we have a growing sense of frustration. We fear that the water resources of our area will continue to deteriorate and a revision of NR 115 at this time is too little too late to stop these trends. This is not an appropriate time for us to support a rule that will only add to our frustration with little or no amelioration of damage as a result, and may in fact turn out in its final implementation to be counter productive to the goals that conceived it by accelerating rather than controlling transformation of non-conformity into permanent environmental threats rather than phasing it out.

Some specific comments on rule features:

NON CONFORMING STRUCTURES

Any rules dealing with non conforming structures should be designed to bring the structures into conformity within a reasonable time period and not simply perpetuate the non-conformity or as it often happens up grade the property from an economic perspective while down grading it from an environmental perspective.

DENSITY CONTROLS

Large scale developments when not in sensitive sites can be spaced far enough apart to allow for natural buffers of undeveloped land separating them and designed with natural vegetation protecting the shoreline. These buffers and appropriate stormwater controls should not be aspects of mitigation but mandated.

BUFFER ZONES

Natural buffer zones are essential for all riparian areas and should be required.

SET BACKS

Current set backs are barely adequate and should not be modified, nor should variances be mitigated.

VIEWING CORRIDOR

Viewing corridors should be minimal (25 feet) and not involve domestic grasses that are little better than black-top in terms of storm water runoff.

MAINTENANCE

There should be only minimal standards for non-conforming structures with safety as the main concern.

LAKE CLASSIFICATION

Some County Ordinances call for lake classification schemes that protect the smaller lakes. This should be a required feature. There probably is no classification scheme that fits all areas but at a minimum smaller natural sensitive lakes should be a base for no development areas.

MITIGATION

If mitigation is to be used as a carrot to develop support for the revised rule, it should involve littoral areas not shoreline areas. In water areas aren't covered by NR 115 so any protection provided here is true mitigation and not like stormwater BMPs which should be required not only for lake shore land but for all county land. This is particularly important at this time as it appears very likely that Chapter 30 protection and regulations are going to be eased by department and legislative action. Another possible genuine mitigation might follow the pattern some regulatory entities use to insure public owned riparian areas of conservation and that is a form of shoreland dedication similar to Park Land dedication for public use when the developing entities control relatively large areas. In exchange for a more dense (but still environmentally sound) development of some areas other areas would be dedicated as riparian conservancy areas.

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For the Sierra Club, Chippewa Valley Group Conservation Committee

Wagner, Carmen (DNR)

From: Jim & Joanne Collins [jcollins@cheqnet.net]

Sent: Wednesday, December 31, 2003 10:36 PM

To: Herkert, Toni

Cc: jcollins@cheqnet.net; Dianne Grage

Subject: NR 115 Comments

From: Joanne and Jim Collins
Lake Namakagon
22935 Missionary Point Drive
Cable, WI 54821

To: Toni Herkert, Shoreland Management Team
WI DNR
Re: NR 115

Dear Toni and Management Team,

We are residents of the Township of Namakagon in southern Bayfield County of northern Wisconsin, east of Cable. We have been involved in the Namakagon Lake Association for several years. Jim was a board member for a number of years and Joanne was an active participant in lake association activities/volunteer work. We promoted/adhered to the stated goals of our lake association...to preserve and protect Lake Namakagon and its environs. Jim is involved in the Secchi program and we participated in and continue to participate in educational programs and studies, sometimes involving the DNR. Over the years, we have availed ourselves of opportunities to learn more about our precious waters. Jim has been involved with the Lake Leaders' Institute over the past years. This involved in-depth weekend studies of issues involving our lake and the lakes around Wisconsin.

We have spent over five years restoring our lakeshore property to (mostly) native vegetation. We know this practice is good for the environment and the health of our lake. During this process we were (twice) on the Cable Natural History Museum's Garden Tour. We want you to know that many other people in our area are dedicated to preserving and protecting the lakes, not only for this generation but for generations to come. We wholeheartedly support the protection of our lake environment, property values, fisheries, clean waters, natural shorelines and wildlife habitat. We prefer the STRONGEST POSSIBLE REGULATIONS for protecting these natural resources. We know from experience that some people would choose to dismantle shoreland regulations in favor of "short-term" goals (greed). We prefer the long-term solutions to local and global issues and environmental protection. Buffers, setbacks, "nonconforming structures", lot sizes! All these issues need to be addressed with the optimum health of our lakes of greatest concern.

We encourage you to be most protective of our precious resources.

Sincerely,

Joanne M. Collins

James A. Collins

03/22/2004

Wagner, Carmen (DNR)

From: Jack and Mary Couillard [mgb@execpc.com]
Sent: Saturday, December 06, 2003 11:15 AM
To: Herkert, Toni
Subject: Shoreline Management

I am sorry I am not up to date on all the proposed changes to the DNR's NR 115 proposal.

I just read about the listening sessions in the Friday, December 5, 2003 Post Crescent.

I consider myself a person who protects the environment. We have city sewer and water, I drive a Ford Festiva, and I only own a sailboat and a canoe.

The following are my concerns and comments:

My wife and I have lived on the North Shore of Lake Winnebago since 1973. The only issues we have had are lake flies in August, ice shoves in the spring (it looks like the lake was not lowered this fall and there is a real threat that if we get a wind out of the South this spring we will get ice damage), algae blooms after a rain storm or when the DNR pumps out High Cliff marina and the sewage flows past our house on the way to the Fox River.

It is my observation that the Algae blooms come from runoff coming down Oneida street from lawn fertilizer used by homes in Appleton. We have a grass lawn that runs up to the water but we never fertilize it or use weed killer on it.

My other issues are we are in an area that has caused a cul-de-sac that does not flush out and as a result algae builds up and rots right in front of my house. In stead of doing something about that, the local warden told me I needed to have a dock run to my boat hoist that I use to hold my sailboat. The North shore of lake Winnebago is all sand and you have to go out about 150 feet to get into water that is 2 feet deep. My sailboat does not pollute the lake. It is one of my few pleasures and it was always convenient to walk in 1 foot deep water out about 100 feet to my boat sitting on its hoist. Now, I am told a boat hoist needs to be attached to the shore with a dock. The way I read the DNR regulation, a Boat Shelter needs a dock, but a boat shelter has a roof. My hoist does not have a roof. What scares me is that if regulations are not clearly written or if they are open to interpretation by the local warden, how can the average person expect to understand them let alone comply with them.

Because I am not rich, I cannot afford to pay several thousand dollars for a 100 foot dock. Besides, with a sailboat I still have to get out and stand in 1 foot deep water holding the boat while I raise it on the hoist. The dock is also a hazard to me because the boat would swing and hit it were before I could let it weather vane behind the hoist.

Last year I was forced to put the hoist up near shore. Now I have to wade in the stinking algae and have the boat bang against the rip rap on shore if I let it go.

I can understand that in some areas a hoist without a dock is a safety issue, but on the North shore of Lake winnebago anyone with a boat drawing more than 8" will hit sand bars long before getting to a hoist sitting 100 feet from shore. The same applies to jet-skiers. One day I expect a death when one hits a sandbar. I personally feel that a dock is more of a hazard to navigation because now people in a canoe or row boat have to go outside any hoist rather than having the option of going around it. When we get a strong wind out of the South we get 3 foot waves on the North shore. Trying to get a sailboat out into those waves (with the center board up because it is so shallow) is hard enough when we had to avoid hoists but having to get beyond docks

will make it even more dangerous.

Finally, it appears the latest proposal will require moving the hoist and any dock equipment 75 feet back from the water's edge in the fall. Where are people living on 50 foot wide lots that are 100 foot deep supposed to put them?

Jack Couillard
1777 Brighton Beach Road
Menasha, Wisconsin 54952

Wagner, Carmen (DNR)

From: nc [silence2@brucetel.net]
Sent: Monday, December 29, 2003 2:37 PM
To: Herkert, Toni
Subject: nr115

As concerned property owners my husband and myself felt that we needed to voice our opinion. We are not in support of the DNR writing state-wide zoning ordinances. This is a job for the counties to enforce with attention given to local concerns. The DNR needs to leave the current rule alone and concentrate its limited funds and personnel on what is really affecting water quality, aquatic invasive species, municipal run-off and pollution. As owners of lake property we want nothing more than to have clean and unpolluted water. We have an organization for property owners on our lake in Rusk County and for the last 15 years with direction of the DNR have tested our water quality. If anything the quality has improved without the DNR having more controls. What we currently have in place is working just fine. We do not need any more DNR rules!!!

Nancy and Mike Curry
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